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ABSTRACT

The paper deals with the theoretical and historical aspects of special education and bilingual education which have contributed to the appearance of Chapters 766 and 71A of the General Laws of the state of Massachusetts. It is explained that Chapter 766 mandates the provision of an educational program tailored to each child's special needs and that Chapter 71A recognizes the need to maintain, rather than destroy, linguistic and cultural diversity. Some of the commonalities between special and bilingual education are established, and the most important aspect in which they differ, mainstreaming, is pointed out. (SBH)

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THE HISTORICAL AND THEORETICAL PERSPECTIVES OF MASS. LEGISLATION CHAPTERS 766 and 71A.

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December 1975

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INTRODUCTION

The intent of this paper is to deal with the theoretical and historical aspects of special education and bilingual education which have contributed to the apparance of Chapters 766 and 71A of the General Laws of the State of Massachusetts.

It also tries to establish some of the commonalities in these two areas which are apparently coming from very different interests and directions and to point out the most important aspect in which they differ... ..mainstreaming.

I. THE NEED FOR CHAPTER 766.

In 1972 Chapter 766 was signed into law in the state of Massachusetts a law which was to take effect on Sept. 1, 1974. This piece of legislation recognizes that it is the responsibility of the Commonwealth to provide an educational program for every child which is tailored to his/her special needs.

The appearance of Chapter 766 must be seen in a wider historical context than that of the state of Mass. It represents one of many efforts being made in a number of states to insure the right to learn for all children.

In the 17th and 18th centuries, the handicapped were relegated to a very difficult position in society. Notions regarding disability were closely linked to mysticism, spirits, and the occult. People in general regarded the handicapped with morbid curiosity and fear. As a result the exceptional were either avoided put away and ignored.

The first plan of education for children with physical, intellectual, emotional and social differences was the residential home. Then shortly after 1920, public schools began to provide day school programs.

Over the years many factors have contributed to change attitudes toward disabilities and these factors have been of major importance in the development of special education.

Some of these factors have been:

1) the development of day school programs

2) the influence of wars on public attitudes toward disabilities.

3) the development of parent groups which helped parents change their attitudes toward their handicapped children and toward the attitudes of society.

4) the development of research in special education and related fields.

5) the growth in teacher education facilities and

6) the growth in the number and influence of specialized agencies interested in exceptional children.

(Cruikshank, 1975)

Yet, history has recorded many instances when exceptional children have not been provided with an education even though permissive or mandatory legislation existed on which to base educational programs. Today, there is a trend in the U.S. where parents are seeking court action to force educational systems to carry out responsibilities guaranteed to citizens and to their children under the provisions of the Constitution, to cease further violations of the Due Process Clause of the Fourteenth Amendment, and to accept both a concept of the right of all children to an education and the right of the emotionally ill to treatment when the individual has

been placed in either a facility for the retarded or a mental hospital.

A second major movement in the late 60's and 70's was the effort to halt the development of the special class and to retain a larger proportion of exceptional children in the regular grades or classrooms. (Cruikshank, 1975)

> "More than any other period in the history of mankind, at present there is a humanistic concern exhibited toward the atypical individual-for his education, his welfare, and specially his role as a contributing member in a changing society. The years have witnessed a trend from isolation, coupled with a lack of concern to a period of separation with concern and more recently a concept of education known as mainstreaming."
>
> (Mann, 1974)

There are several forces which are modifying the educational practices wich are in evidence in the education of exceptional children. One of these has been court action to force the schools to take on the responsability of educating children with special needs.

In 1954, the Supreme Court made a strong case for the responsibility of state and local government in the education of all children. In Brown vs. Board of Education it held that:

> "Today, education is perhaps the most important function of state and local governments. Compulsory shcool attendance laws both demonstrate our recognition of the importance of education to our democratic society...In these days, it is doubtful that any child may reasonably be expected to succeed in life it he is denied the opportunity of an education".

In 1969,in Wolf v.Legislature of the state of Utah, Judge D.Frank Wilkens said:

> "Education...is a fundamental and inalienable right and must be so if the rights guaranteed to an individual under Utah's constitution and the U.S.Constitution are to have any real meaning. Education enables the individual to exercise those rights guaranteed him by the Constitution of the state of Utah and the Constitution of the United States."

These and other court decisions have been stated as precedents in many states where court actions are taking place to insure the "right to education"for all children.

Other forces which have modified educational practices or at least have pushed further for new trends have been research and court litigations dealing with the specifics of labeling,testing,grouping procedures and misplacement of children as well as due process in education.

The identification process and labeling procedures are major criticisms of current special education programs (Lilly,1970;Christoplos and Renz,1969;Johnson,1969; Kauppi,1969).

> "It is argued that such designations (of disability labels)become destructive self-fulfilling prophecies". (Dunn,1973)

There is a self-fulfilling prophecy dimension to much of human experience and when a child is labeled handicapped the teachers are given a logical reason

for the child not learning.He then is not expected to learn and often as a result,does not learn. Robert Rosenthal's studies pointed to this effect:

> "The positive prophecies of teachers with regard to the ability of children very much influenced not only their perceptions of these children,but the childrens actual achievement in school."
>
> (Rosenthal,1968)

Johnson(1969)criticizes general educational use of special education.With regard to inner city children he charges special education with invalidating Black and other minority cultures with their labeling procedures. If inner city children continue to be given discriminatory IQ testing and placement,educating is"operationalizing bigotry,discrimination and segregation".

Parents,in an effort to make the educational system responsive to the childrens needs,have turned to the courts. Legislation is eliminating the concept of uneducability and adopting"right to education"policies.

In current cases,testing and placement are now the central issues.In Washington,D.C.,Judge Skelly Wright ordered the abolition of the tract system due to conclusions that the disproportionate number of Black children in special classes was attributed to culture-bias tests. (Hobson v.Hanson,1967 reported in Ross, de Young and Cohen,1971)

Judge Skelly stated:

> "...As a result,rather than being classified according to their ability to learn,these students are in reality being classified according to their socio-economic or racial status or more precisely-according to environmental and psychological factors which have nothing to do with their innate ability".
>
> (Hobson v. Hanson,1967)

Equal educational opportunity for children with primary home language other than English was the subject of several recent court decision.Diana v.State Board of Education(1970)revised the placement and evaluation processes for minority group children. The case was a class action concerning nine Mexican -Americans placed in EMR classes on the basis of test results on the WISC and Stanford Binet.Part of the stipulated agreement in this case was that the state psychologists were to develop or revise the standarized intelligence tests to reflect the norm of the Mexican-American children in California and that all testing would be done in the childrens native language.

Larry P v. Riles (1971) claimed that there was a disproportionate number of Black children in EMR classes as a result of culturally biased intelligence tests. Personnel of the San Francisco Public School System didn't contest the charge and on June 20,1972,Judge Robert Peckham issued an order that no Black student

could be placed in the classroom for the educable mentally retarded on criteria which primarily rely on the intelligence tests.

Ross, de Young and Cohen(1971) offer arguments most often cited against current placement practices.

1)for many children testing does not accurately measure their learning ability.Normed on a white middle class population they are a reflection of cultural and socio-economic backgrounds,not necessarily ability.

2) the administration of tests is often performed incompetently.

3)parents are not given an adequate opportunity to participate in the placement procedures

4)special education programming is inadequate,and

5)the personal harm created by improper placement is irreparable.

Another major change that's occuring in the field can be traced to litigation in the area of due process in selection and admission procedures.The cases that have been previously mentioned deal with the issue of due process,but the most significant ones in this area have been Mills v. Board of Education and Serrano v.Priest,1972 which deal with the financial considerations of teaching the handicapped. Both insure that equal funding will be provided for the handicapped no matter what the circumstances are,whether it's insufficient funds or a small

local tax base.

As a result of many of the class actions and decisions that are taking place around the country as well as in this state,(Stewart v. Phillips) it is becoming more apparent that in many cases there is a violation of the students civil rights. Frank P. Gross(1973) states that the components of due process will eventually be needed to protect a child's best interest.The steps in due process which he enumerates are a fundamental part of what 766 is about:

1)There must be a rule or regulation already in existence. (Murphy v. Board of Directors of Independent School District, Iowa,1970)

2)Reasonable notice must be given of your intended action(Esteban v. Central Mississippi School District,1967)

3)The school must specify exactly what it intends to do (Dixon v. Alabama,1961)

4.Provision must be made for assistance,such as counsel. (Marlega v. Board of School Directors,City of Milwaukee,1970)

5)The child or his parents have the right to examine pertinent materials and witnesses in his behalf(Esteban v.Central Mississippi School District,1967.)

6)The child or his parents have the right to a fair and impartial hearing(In re Murchison,1955)

7) There needs to be a provision to appeal a decision. (State of Connecticut,Public Act.No.667)

Court actions regarding "right to education"have made headway for changes in the field of special education,but research within the field has also offered support for the present focus of special education on mainstreaming or integration of children with special needs in the public school system. Much of this support comes from research in the efficacy of traditional special education procedures and placement of the midly retarded. Lloyd Dunn(1968) questioned the purpose of segregation:

> "...the overwhelming evidence is that our present and past practices have had their major justification in removing pressures on regular teachers and pupils at the expense of the learners themselves."

According to Dunn the findings of efficacy studies constitutes an argument for change.

Anne Walsh Carroll studied the effects of segregated and partially integrated school programs on self-concept and academic achievement of EMR children and found that children in segregated settings showed less improvement in self concept than those placed in partially integrated settings.

Advocates of segregated classes for EMR have contended that among other advantages, these classes promote in the children the acquisition of a more realistic and healthy self-concept. (Meyrowitz,1962)

This contention is based upon the assumption that the regular classroom placement confronts the EMR child with standards so out of reach that he/she has no substancial basis for self evaluation.

Carroll's rationale for the partially integrated program is that it provides an opportunity for a combination of the gains from both segregated and integrated programs which is comparable to the heterogeneous world in which the child lives.

Sparks and Blackman (1965) cite studies which reflect the increasing evidence that special classes have been something of a disappointment in terms of accelerating the academic progress of these children.(Bennett,1932; Pertsch,1936;Elenbogen,1957;Cassidy and Stanton,1959 and Thurstone,1959).Sparks and Blackman state that:

> "Evidence reveals that almost invariably exceptional children in regular classes demonstrate academic achievement superior to that of their peers in special classes."

In summarizing a study conducted by Goldstein,Moss, and Jordon(1965),Blackman(1969) states:

> "..What emerges is the generality that this methodologically sophisticated study of the efficacy of special classes for the mentally retaded blends into the long line of negative findings that have characterized this area of research for the past thirty years."

Lilly (1970) thinks that:

> "..traditional special education services as represented by self contained special classes should be discontinued immediately for all but the severely impaired".

Studies provide conflicting evidence with little to support special education.

Changes in attitudes and concern for the education and treatment of children with special needs has been slow, but forces in the last several years have produced a lot of hope and a growing emphasis on mainstreaming children with mild and moderate special needs. Jerry D.Chafflin (1974) sustains that the emphasis has been brought in part by:

1)The equivocal results of research dealing with the effectiveness of special classes for the midly retarded.

2) The recognition that many diagnostic instruments used for identifying retarded children were culturally biased, which often resulted in inapropriate diagnosis and placement of children.

3)The realization by special educators that"labeling" a child may be more debilitating than the diagnosed handicap, and

4)Court litigation related to placement practices and r' rights of children to appropriate educational treatment.

The State of Massachusetts has taken steps to deal with this growing concern in the field by signing into Law Chapter 766 in 1972. It's major provisions are to remove the traditional labels and categories in the field and substitute them for the phrase"children with special needs";to secure an evaluation of a child which is complete and gives specific information on the child's needs; to develop an educational plan and placement on the basis of the evaluation and to insure parent participation and decision-making power in the acceptance or rejection of the proposed plan.Chapter 766 also mandates annual evaluation of the educational plan and means for challenging placement or program design.It also legislates against segregation of children and provides 100% reinbursement of additional costs for the programsdeveloped.

Although the law still has loopholes in guaranteeing enforcement of its mandate it constitute a major step in the effort to insure each child with special needs the right to quality education within the public school system in the state of Massachusetts.

II.THE NEED FOR CHAPTER 71A.

In 1971 the State of Mass.implemented Chapter 71A which is the Transitional Bilingual Education Act.This piece of legislation was the first step towards recognizing the need to maintain,rather than destroy,linguistic and cultural diversity.

Meeting the educational needs of non-English speaking people in the U.S. is not a new challenge.(Beelar,1972) Before World War I many states provided instruction in other languages other than English.There was no effort to suppress the use of other languages and many states had bilingual public schools.In New Mexico,for example, Spanish and English were spoken in the schools and were equally respected.German was the second most widely used language of instruction in the country's school system. However,these tolerant attitudes toward language use were not generalized to the African slaves or to Native Americans who were never allowed to express themselves in their own tongue for fear of revolts. Attrocities of this nature have been documented.Take the effects of this policy on the Cherokee,who before their nation was dissolved by Congress in 1906 were 90% literate and enjoyed many printed newspapers and publications. With "detribalization"their printing presses were sent to museums,their academics were abandoned and the Cherokees were reduced to an illiterate nation.
(John and Horner,1971)

World War I and the widespread influx of inmigrants produced dramatic changes towards the use of languages other than English.Many felt threatened by the existence of multiple cultures and languages. To many it meant political divisions within the country.The public schools also took a new and stronger role in society and was considered the main instrument for americanizing inmigrants. Use of English was equated with loyalty to the new country and an"English-only" policy was instituted.Inmigrants soon learned that supression of their own language was the price that had to be paid in exchange for a piece of the "American Dream".

The migration of non-English speaking groups from rural areas to urban centers was accelerated by the great technological and industrial developments after World War II. (John and Horner,1971).These advances in technology required a greater literacy goal in the schools for the inmigrant population who until then had been thrust into manual jobs and needed minimum literacy to join the work force. The system still emphasized acculturation and assimilation so programs were developed to help the non-English speaking children in learning English so that they would fall into the mainstream as quickly as possible. ESL (English as a second language)programs were developed in the 50's and dominated the educational setting for quite some time.

It's English-only policy was based on the assumption that:

1)The official or unofficial use of another tongue implies official acceptance and recognition of that tongue.

2) The earlier the child is taught English, the better he will speak it, and

3)If the "other" language is ignored it will disappear and its speakers will become monolingual speakers of English.

(John and Horner, 1971)

Such programs also accepted the premise that "bilingualism" per ce was bad.

Research in the 1940's and 50's supported this notion. Smith(1949) measured the vocabulary of young bilingual children(3-5 years old) in Chinese and English and found that in either language the group had below average-sized vocabulary for children of their age. She suggested that only the superior bilingual child is capable of attaining the vocabulary norms of monoglots and that a name for a larger number of concepts is more desirable than a name for many of a smaller number of concepts.

In determining the effects of bilingualism upon the intelligence performance of Puerto Rican children in New York City, Anstasi and Córdova(1953) concluded that lower scores were produced by low socio-economic level and bilingualism.

According to them, bilingualism made the children deficient in both languages and produced poor emotional adjustment to the school situation.

According to Jensen(1962) many observers assert that biligualism is a disruptive interloper because it produces:

1)handicaps in speech development

2)disadvantages in language development such as: smaller active and passive vocabulary as a result of borrowing; shorter, incomplete, less complex sentences, unusual word order, etc.

3)handicaps in intellectual development because it becomes a mental burden.

4)retardation in educational progress such as in reading and maladjustment to school.

5) emotional instability due to frustrations arising from ineffectiveness in communication and leading to the development of a shy and introverted person.

Christophersen(1948) went as far as to state that:

> "He(the bilingual child) may become schizophrenic, for most bilinguals feel a pull in opposite directions which threatens the unity of their personality".

The most recurrent argument against biligualism was the threat it posed for national security in war times. The lack of linguistic unity meant a lack of loyalty to the government because of too much sympathy for the country of the citizen's mother tongue and because of the governments' ineffective communication with all of its' citizens.

In the early 60's,dissatisfaction with the results' of the ESL approach began to be felt in the country.Increasing pressures on legislators from minority groups such as Blacks,Puerto Ricans,Native Americans and Mexican-Americans who were awakening to a new found pride in their ethnicity and a realization of the effects the school system was having on their children,both educationally and psychologically,began to make waves for bilingual education.

It would be naive to think that these were the only change agents.A few bilingual programs were already in existence in the southwest at the time and bilingual needs had been documented as early as 1934,when Chicano educators first made their plea for testing and assessment in childrens native tongue.(Martinez,1972). It is sad to note that bilingual education was recognized as valuable and necessary in many states only after Congress saw fit to enact legislation to assist Cuban refugees.

Research in the field in the early 60,s as well as forces mentioned produced an introduction of bills in Congress in 1967 to amend the Elementary and Secondary Education Act of 1965 to provide for bilingual education programs. Hearings were held during the summer of 1967 and Mexican-Americans as well as Puerto Ricans and other groups gave strong support to the bill through their testimonials.

In January 1968,President Johnson signed into law the Bilingual Education Act which became Title VII of the Elementary and Secondary Education Act. It's purpose as stated is "designed to meet the specific education needs of children 3 to 18 years of age who have limited English -speaking ability and come from environments where the dominant language is other than English."(Andersson,1970)

Federal funding was provided for projects in bilingual education. Many states with varying populations of non-English speakers began to legislate in favor of some form of bilingual education. In Massachusetts various studies in the Boston area signaled to the critical need for bilingual education because of its escalating number of non-English speakers. Strong community support,lobbying efforts and interested legislators made way for the Transitional Bilingual Educa - tion Act,G.L.Ch.71 A which was enacted in 1971.

Research in the 60's began to point to the assets of bilingualism.New emphasis on developmental cognitive learning also made a strong case for the use of the child's mother tongue in early school experiences.

> "According to the cognitive view,a great deal of a child's early learning consists of ordering the world around him,i.e.,reducing ambiguities and simplifying the 'buzzing of confusion' that surrounds him.This view holds that language plays a critical(though not exclusive) role in the young child's ordering process.Between the ages of five and seven, the child's use of language accelerates,and words become a medium of learning and problem solving.It is at this age that the non-English speaking child is ordinarily confronted with the demand to learn in English and,indirectly to think in English."
>
> (John and Horner,1971)

So we are introducing a second and weaker language' at a point where it confuses the ordering process of the child.It would seem then,that bilingualism has been claimed as a handicap when in reality it has been the enforcement of the English-only policy or use of ESL at an early age which has produced a childs retardation in the learning process.

Macnamaras(1966) studies in Ireland showed that children instructed through their weaker language showed deterioration in reading and arithmetic,particularly in the area of problem solving.

Saer(1963) found similar results with Welsh children instructed in their weaker language.

Research conducted in bilingual education in Canada (Lambert and Tucker) revealed that:

> "..pupils who were totally fluent in their first language and who could read and write in their own language had a much easier time acquiring second language fluency and even went on to excel when compared to monolingual peers."

In other studies by Lambert and Peal(1962) where the relation of bilingualism to intelligence was studied, the authors found that bilinguals performed better than monolinguals on verbal and nonverbal intelligence tests. In explaining their findings the authors said:

> "..the bilingual child's experience with two languages seems to have left him with a mental flexibility, a superiority in concept formation, and a more diversified set of mental abilities".

Although we can't tell which is the cause and which the effect we still think that bilingualism is an asset.

The advantages of bilingualism have been researched further and we find that the difficulties that have been claimed as created by bilingualism have been a matter of <u>when</u> and <u>how</u> a language (second) is introduced.

As early as 1953 the UNESCO sustained that when schools attempt to teach a second language before the child has developed adequate cognitive skills in his native tongue, the child may become a"non-lingual" whose functioning in both his native and second language develops in only limited ways.(UNESCO,1953)

This due basically to "linguistic interference"--the intermixing of the sounds,vocabulary,grammar,and word meanings of two languages. There are also non-linguistic factors that also affect interference such as the prevailing attitudes toward each language and toward the culture of the community of each language.

It has been shown that when children are taught in their native tongue at an early age and English or the second language is introduced at a certain time and in a certain way,children progress in second language acquisition much faster.

Ostenberg's studies in Sweden(1961),Modianos in México,Barrera-Vázquez with Tarascan Indian children (UNESCO,1953) and others such as the Harlandale School District study,support the previous statement.

Ostenberg set up an experimental and control group of children.One received reading instruction in Pitean which was the dialect spoken by the children; the other group was taught reading in Swedish although their dialect was also Pitean. At the end of 10 weeks' the ones taught in Pitean had progressed further than the Swedish-taught group.By the end of the year,the first group had also greater ability in reading Swedish than the group which had been introduced to Swedish from the very beginning.

Modianos study with Mexican children from three different Indian tribes produced similar results. Each group was taught in the vernacular until they mastered the primers. They were later introduced to Spanish. When compared on reading tests the experimental groups who were initially taught in the vernacular read with greater comprehension than the control group which was initially taught in Spanish.

Barrera-Vásquez developed a Tarascan Project in México where monolingual Tarascan Indian children were taught reading in Tarascan.These children had not been able to function in the federal schools where Spanish was the medium of instruction.After two years in the project they were able to enter the second grade of the public schools again and were successful in reading in Spanish.

The Harlandale One Year Bilingual Project,dealt with Mexican American children. One first grade class in each of four elementary schools was instructed in English and Spanish.The other first grade classes which were the controls were taught in English only.Tests at the end of the year showed that biligual sections did as well in reading English as the control groups and that the four biligual sections could speak,read and write in both languages at the end of the year.

Three of the four bilingual made more progress in every measure(communicative skills,conceptual development and social and personal adjustment) than the classes taught in English only.

Jensen(1962) goes on to defend bilingualism by answering every argument that has been stated against it:

1)Evidence has been provided by research to reject the statements expressing the disadvantages in language development.

2)Poor speech development is not due to bilingualism but to other factors such as enforcement of the English-only policy or the introduction of the second language when the child is not yet ready.

3) It has been asserted that studying a second language will aid a person to strenghthen his original tongue, to become more sensitive to nuances, to manipulate languages more effectively, and to learn additional languages more easily.

4)Bilingualism aids intellectual development and the evidence of mental retardation that has been offered is based on the misuse of tests.(This has been documented extensively by Perry Alan Zirkel ,Uvaldo Palomares and George Sánchez among others.Lawsuits are pending on the misuse of tests with Spanish-speaking children.)

Jensen states that:

> "...since the biligual person has two terms for one referent, his attention is focused on ideas and not words, on content rather than form, on meaning rather than symbol and this is highly important in the intellectual process."
>
> (Jensen, 1962)

5) The sense of prestige and accomplishment of knowing more than one language stimulates the bilingual childs' educational efforts and enhances his self concept.

6) The emotional conflicts which have been said are caused by bilingualism are not caused by learning two languages but by the hostile attitudes of society toward a given language, as a cloak for deeper racial, religious, political and social antagonisms.

Less introversion occurs in the individual because he can communicate with more people.

On the effects on society. Jensen answers that bilingualism will lead to a greater understanding and respect for different cultural groups, reducing friction instead of creating it and there would be greater family harmony and unity if the native language were given more prestige.

Support for bilingual education has not come solely from research but as mentioned before, because of strong community action from minorities who for a long time have been forced to almost go against the system.

Minorities drop out and are pushed out of the school

system mainly because of insensitivity to their needs and differences.Although there is widespread recognition of the desirability of knowing two languages,non-English speaking minorities have been persuaded to speak only English..

> "Chicanos for example,have been admonished and discouraged from perpetuating their ready-made bilingualism/biculturalism".
>
> (Martínez,1972)

Non-English speaking minorities have been discriminated against in the area of testing.They have been labeled,placed.grouped and guided on the basis of test scores more than any other factor.They have been called "disadvantaged",Culturally deprived" and almost everything else that places the values and ways of those that are different on a scale that is inferior to the "mainstream".

More than anything else,bilingual education should and could mean a first step in providing an equal opportunity in education for those that are culturally and linguistically different by maintaining,rather than destroying these differences.

Bilingual education is or should be developed to help a child learn a second language through the use of the skills already developed in his /her native tongue so that proficiency in bothwill facilitate their

educational development and academic aspirations; to help students maintain and develop their own cultural heritage redognizing the importance of cultural and ethnic identity in the development of a positive self-concept, which consequently affects the learning process. To help students recognize the advantages of living in a multicultural environment and to promote favorable perceptions and attitudes toward other cultures while maintaining cultural diversity.

The major provisions of Chapter 71A are to insure that children with limited English speaking ability be provided with instruction in their native language initially with andincreasing degree of use of English after reading and writing skills have been developed in their native language.It also mandates that an integral component of the program will be instruction in the history and culture of the country of the students primary language as well as of the history and culture of the United States. The program must be a full time program and can last for as long as three years for the student.It's intent is not to segregate students and it's required to annually assess the number of children in a given school district that need bilingual education. There is reimbursement for the amount of the costs of bilingual education which exceeds the average per pupil expenditure for the education

of children of comparable age.The law also creates new certification criteria which requires that teachers possess a speaking and reading ability in the language other than English,in which bilingual education is offered as well as in English. It also insures parent participation and decision making power in accepting or rejecting the childs' placement and educational program.

The Transitional Bilingual Law represents a step in attaining the right to equal education for minorities, but has several loopholes which are hampering it's successful implementation.

III. PARALLEL AND DIFFERING POINTS:

Chapter 766 and 71A of Mass Legislation represent efforts in obtaining the right to an equal education for the child who is exceptional or linguistically/culturally different.

In the historical development of the fields of special education and bilingual education we find some commonalities.

Both have had strong support in recent years from research which has provided new perspectives and indicates that changes must take place if the rights of children are to be upheld.

As an example,we find that: Results of research dealing with the effectiveness of self contained special classrooms has shown that there is no evidence to support the statement that children learn better in this environment. The results of research concerning the effectiveness of teaching children a second language by ignoring their native tongue and forcing them to speak English-only has also been proven wrong.

The recognition that many diagnostic instruments used for identification of retarded children were culturally biased and resulted in inappropriate diagnosis and placement holds true for children with special needs as well as for children who are ethnically and/or culturally different.

The wrongdoings of the use of inappropriate assessment techniques and instruments has not been exposed enough even today and this practice goes on in many states; harming many children because of language and cultural difficulties and differences.

Labeling practices in the field of special education have done more harm than good; the practice has been more debilitating to the child than the diagnosed handicap. The use of terms such as "emotionally disturbed","mentally retarded","learning disabled" and others have offered no ideas with regards to educational programs whidh can help the child. The labels have been a way of determining placement which in the mayority of cases,has only led to the self-fulfilling prophecy of such labels.The same holds true for the culturally or linguistically different child who has long been labeled"culturally deprived", "culturally hadicapped" or "disadvantaged".Labeling in both instances hasled to inequality in education.Childrens' self concept has suffered greatly because of these labels and from teacher expectations which have for too long succeeded in producing the expected behaviors and achievement in children.

Court litigation related to placement practices and rights of children to appropriate educational treatment ha also been present in the case of the culturally different child

Community action and parent groups have been instrumental in attaining Chapters 766 and 71A.

In terms of the actual components of these two acts we find that both provide for: (1) due process in determining the placement and educational plan for each child, (2) parent intervention in the decision making process, and (3) reinbursement for the cost of implementing the program.

Both pieces of legislation face similar problems in attaining their goals. Some of these are: lack of adequately trained personnel to implement the programs and insure that the law is complied with adequately. Both must deal with the too frequent negative attitudes of school administrators and others towards the law and the children they intend to serve.

Although Chapter 766 and 71A have many commonalities, people in each field are on very separate grounds when they talk about "mainstreaming". For those who are fighting fot the rights of the culturally distinct ; mainstreaming represents the loss of language, culture and identity. It means immersion in the culture, language and values of the white middle class without recognition and acceptance of their distinct features on an equal basis. To the person in the field of special education, mainstreaming means desegregation and treatment equal that given to those in the mainstream.

Bilingual/Bicultural education is pushing for equal educational opportunities within the educational system while maintaining cultural and ethnic diversity.Special education is pushing for the same equal educational opportunities for children with special needs with a non-categorical view.

In a much broader sense these two Acts,although having come from different perspectives,could provide Massachussetts with a greater acceptance of individual differences in children.

Individual differences are real and need to be handled adequately,responsibly,and constitutionally. Our objective should be exactly that;to diversify education so that it meets the needs of all children in a way that diversity,whether cultural,educational,linguistic or other can be maintained,accepted and respected without hindering the individual.Only then will there be equality in education ...Chapters 766 and 71A represent a beginning in that direction.

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